

FORM PTO-1390 (REV 11-98)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTORNEYS DOCKET NUMBER: Heska USNP
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		US APPLICATION NO. (If known, see 37 CFR 1.5) 09/408, 584 10/089224		
INTERNATIONAL APPLICATION NO. PCT/US00/26870		INTERNATIONAL FILING DATE 29 September 2000 (29.09.2000)		PRIORITY DATE CLAIMED 29 September 1999 (29.09.1999)
TITLE OF INVENTION INTRANASAL DELIVERY SYSTEM				
APPLICANT(S) FOR DO/EO/US HESKA CORPORATION				
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:				
<p>1. <input type="checkbox"/> This is the FIRST submission of items concerning a filing under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is the SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.</p> <p>3. <input type="checkbox"/> This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b)) and PCT articles 22 and 39(1).</p> <p>4. <input type="checkbox"/> A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.</p> <p>5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) <ul style="list-style-type: none"> a. <input type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau). b. <input type="checkbox"/> has been transmitted by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). </p> <p>6. <input type="checkbox"/> A translation of the International Application into English (35 U.S.C. 371(c)(2)).</p> <p>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)). <ul style="list-style-type: none"> a. <input type="checkbox"/> are transmitted herewith (required only if not transmitted by the International Bureau). b. <input type="checkbox"/> have been transmitted by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. </p> <p>8. <input type="checkbox"/> A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p>				
Items 11. to 16. below concern document(s) or information included:				
<p>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input type="checkbox"/> A FIRST preliminary amendment.</p> <p><input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment.</p> <p>14. <input type="checkbox"/> A substitute specification.</p> <p>15. <input type="checkbox"/> A change of power of attorney and or address letter.</p> <p>16. <input type="checkbox"/> Other items or information: Application Data Sheet, Power of Attorney, Express Mail Certificates, firm Letter of Transmittal, and a return receipt postcard</p>				

U.S. APPLICATION NO. (If known, see 37 CFR 1.5 09/408,584 10 / 089224		INTERNATIONAL APPLICATION NO PCT/US00/26870	ATTORNEY'S DOCKET NUMBER Heska UNSP
17. <input type="checkbox"/> The following fees are submitted: BASIC NATIONAL FEE (37 CFR 1.492(a) (1) - (5): Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO. \$1000.00		CALCULATIONS (PTO USE ONLY)	
International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO. \$860.00		\$ 100.00	
International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO. \$710.00			
International preliminary examination fee paid to USPTO (37 CFR 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4). \$690.00			
International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfy provisions of PCT Article 33(1)-(4). \$100.00			
ENTER APPROPRIATE BASIC FEE AMOUNT =			
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).		\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE
Total claims	158 - 20 =	138	X \$18.00 \$ 2484.00
Independent claims	10 - 3 =	7	X \$80.00 \$ 560.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+\$270.00 \$ -0-
TOTAL OF ABOVE CALCULATIONS =			\$ 3144.00
Reduction of 1/2 for filing by small entity, if applicable. A Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28).			\$ 1572.00
SUBTOTAL =			\$ 1572.00
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).			\$ -0-
TOTAL NATIONAL FEE =			\$ 1572.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +			\$ 40.00
TOTAL FEES ENCLOSED =			\$ 1612.00
Amount to be:			Refunded \$
Amount to be:			Charged \$

10/089224

Express Mail No: EL913299804US
Attorney Docket: Heska USNP

IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE

In Re the National Phase Application of: Heska Corporation

Serial Number: (original) US 09/408,584 New: _____
(PCT) PCT/US00/26870

Filed: (original US) 29 September 1999 New: _____
(PCT) 29 September 2000

For: Intranasal Delivery System

LETTER OF TRANSMITTAL

The Assistant Commissioner of Patents
BOX PCT
Washington, D.C. 20231

Sir:

Enclosed for filing is a US National Stage application for patent entitled "Intranasal Delivery System" including the following documents:

1. Application Data Sheet;
2. First Preliminary Amendment;
3. Declaration for Patent Application of Steven J. Penner and Randal W. Sebring;
4. Power of Attorney;
5. a Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) concerning a filing under 35 U.S.C. 371 (Form PTO-1390, rev 11-98) with attachments;
6. a copy of the PCT application as filed consisting of (55) pages of specification and (11) sheets of drawings;

7. Information Disclosure Citation along with copies of the cited references (except for copies of references already provided to the PTO in the original U.S. Patent application no. 09/408,584);
8. an Assignment of Patent Rights of Steven J. Penner and Randal W. Sebring to Heska Corporation, a Recordation Cover Sheet, and the appropriate recordation fee of \$40.00;
9. Express Mail Certificates for each document;
10. a check payable to the Commissioner of Patents and Trademarks in the amount of \$ 1612.00 for National Phase filing fees;
11. this Letter of Transmittal; and
12. a Postcard Receipt for return to the undersigned.

Please confirm receipt of the documents by applying your date stamp and serial number on the enclosed postcard and returning it to me.

The applicant claims small entity status. Pursuant 13 C.F.R. §121.12, Heska Corporation is an entity whose number of employees, including those of its affiliates, does not exceed 500 persons and which has not assigned, granted, conveyed, or licensed, and is under no obligation under contract or law to assign, grant, convey or license, any rights in the subject matter of the enclosed Patent Application to another entity that does not qualify under small entity status. Therefore, the Heska Corporation appears to qualify as a small business concern as defined in 37 C.F.R. §1.9(d).

**Please address all future correspondence to: Santangelo Law Offices, P.C.,
125 South Howes, Third Floor, Fort Collins, CO 80521.**

10 / 089224

JC13 Rec'd PCT/PTC 27 MAR 2002

I have this 27 day of March, 2002, either myself personally or through my direction of staff at this office, deposited all of the items in the above letter of transmittal with the United States Postal Service as Express Mail, postage prepaid, in an envelope addressed to: The Assistant Commissioner of Patents, Box PCT, Washington, D.C. 20231.

Respectfully Submitted,
SANTANGELO LAW OFFICES, P.C.

By: 

Craig R. Miles
ATTORNEY FOR APPLICANT
PTO No. 45,954
125 South Howes, Third Floor
Fort Collins, CO 80521
(970) 224-3100

unspfirm-xmt

10/089224
JC13 Rec'd PCT/PTO 27 MAR 2002

Express Mail No: EL913299804US
Attorney Docket: Heska USNP

IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE

In Re the National Phase Application of: Heska Corporation

Serial Number: (original) US 09/408,584 New: _____
(PCT) PCT/US00/26870

Filed: (original US) 29 September 1999 New: _____
(PCT) 29 September 2000

For: Intranasal Delivery System

CERTIFICATE OF EXPRESS MAILING

I, Barbara Graves, hereby certify to the truth of the following items:

1. I am an employee of Santangelo Law Offices, P.C., 125 South Howes, Third Floor, Fort Collins, Colorado 80521.
2. I have this day deposited the attached Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing under 35 U.S.C. 371 with the United States Postal Service as "Express Mail" for mailing to the Assistant Commissioner of Patents, BOX PCT, Washington, D.C. 20231.

Dated this 27 day of March, 2002.

Barbara Graves

10/089224
JC13 Rec'd PCT/PTO 27 MAR 2002

Express Mail No: EL913299804US
Attorney Docket: Heska USNP

IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE

In Re the National Phase Application of: Heska Corporation

Serial Number: (original) US 09/408,584 New: _____
(PCT) PCT/US00/26870

Filed: (original US) 29 September 1999 New: _____
(PCT) 29 September 2000

For: Intranasal Delivery System

CERTIFICATE OF EXPRESS MAILING

I, Barbara Graves, hereby certify to the truth of the following items:

1. I am an employee of Santangelo Law Offices, P.C., 125 South Howes, Third Floor, Fort Collins, Colorado 80521.

2. I have this day deposited the attached Assignment of Patent Rights of Steven J. Penner and Randal W. Sebring, along with a recordation cover sheet with the United States Postal Service as "Express Mail" for mailing to the Assistant Commissioner of Patents, BOX PCT, Washington, D.C. 20231.

Dated this 27 day of March, 2002.

Barbara Graves

10/0892

JC13 Rec'd PCT/PTO 27 MAR 2

Express Mail No: EL913299804US
Attorney Docket: Heska USNP

IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE

In Re the National Phase Application of: Heska Corporation

Serial Number: (original) US 09/408,584 New: _____
(PCT) PCT/US00/26870

Filed: (original US) 29 September 1999 New: _____
(PCT) 29 September 2000

For: Intranasal Delivery System

CERTIFICATE OF EXPRESS MAILING

I, Barbara Graves, hereby certify to the truth of the following items:

1. I am an employee of Santangelo Law Offices, P.C., 125 South Howes, Third Floor, Fort Collins, Colorado 80521.
2. I have this day deposited the attached firm Letter of Transmittal and a check in the amount of \$1612.00 with the United States Postal Service as "Express Mail" for mailing to the Assistant Commissioner of Patents, BOX PCT, Washington, D.C. 20231.

Dated this 17 day of March, 2002.

Barbara Graves

10/089224

JC13 Rec'd PCT/PTO 27 MAR 2002

Express Mail No: EL913299804US
Attorney Docket: Heska USNP

IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE

In Re the National Phase Application of: Heska Corporation

Serial Number: (original) US 09/408,584 New: _____
(PCT) PCT/US00/26870

Filed: (original US) 29 September 1999 New: _____
(PCT) 29 September 2000

For: Intranasal Delivery System

CERTIFICATE OF EXPRESS MAILING

I, Barbara Graves, hereby certify to the truth of the following items:

1. I am an employee of Santangelo Law Offices, P.C., 125 South Howes, Third Floor, Fort Collins, Colorado 80521.
2. I have this day deposited the attached Information Disclosure Citation with copies of the cited references (except for copies of references already provided to the PTO in the original U.S. Patent application 09/338,295) with the United States Postal Service as "Express Mail" for mailing to the Assistant Commissioner of Patents, BOX PCT, Washington, D.C. 20231.

Dated this 37 day of March, 2002.

Barbara Graves

10/089224
JC13 Rec'd PCT/PTO 27 MAR 2002

Express Mail No: EL913299804US
Attorney Docket: Heska USNP

IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE

In Re the National Phase Application of: Heska Corporation

Serial Number: (original) US 09/408,584 New: _____
(PCT) PCT/US00/26870

Filed: (original US) 29 September 1999 New: _____
(PCT) 29 September 2000

For: Intranasal Delivery System

CERTIFICATE OF EXPRESS MAILING

I, Barbara Graves, hereby certify to the truth of the following items:

1. I am an employee of Santangelo Law Offices, P.C., 125 South Howes, Third Floor, Fort Collins, Colorado 80521.
2. I have this day deposited the attached copy of the International PCT application as filed consisting of 55 pages of specification and 11 pages of drawings with the United States Postal Service as "Express Mail" for mailing to the Assistant Commissioner of Patents, BOX PCT, Washington, D.C. 20231.

Dated this 27 day of March, 2002.

Barbara Graves

10/089224
JC13 Rec'd PCT/PTC 27 MAR 2002

Express Mail No: EL913299804US
Attorney Docket: Heska USNP

IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE

In Re the National Phase Application of: Heska Corporation

Serial Number: (original) US 09/408,584 New: _____
(PCT) PCT/US00/26870

Filed: (original US) 29 September 1999 New: _____
(PCT) 29 September 2000

For: Intranasal Delivery System

CERTIFICATE OF EXPRESS MAILING

I, Barbara Graves, hereby certify to the truth of the following items:

1. I am an employee of Santangelo Law Offices, P.C., 125 South Howes, Third Floor, Fort Collins, Colorado 80521.

2. I have this day deposited the attached First Preliminary Amendment with the United States Postal Service as "Express Mail" for mailing to the Assistant Commissioner of Patents, BOX PCT, Washington, D.C. 20231.

Dated this 27 day of March, 2002.

Barbara Graves

Express Mail No: EL913299804US
Attorney Docket: Heska USNP

IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE

In Re the National Phase Application of: Heska Corporation

Serial Number: (original) US 09/408,584 New: _____
(PCT) PCT/US00/26870

Filed: (original US) 29 September 1999 New: _____
(PCT) 29 September 2000

For: Intranasal Delivery System

CERTIFICATE OF EXPRESS MAILING

I, Barbara Graves, hereby certify to the truth of the following items:

1. I am an employee of Santangelo Law Offices, P.C., 125 South Howes, Third Floor, Fort Collins, Colorado 80521.

2. I have this day deposited the attached Application Data Sheet with the United States Postal Service as "Express Mail" for mailing to the Assistant Commissioner of Patents, BOX PCT, Washington, D.C. 20231.

Dated this 27 day of March, 2002.

Barbara Graves

10 / 089224
JC13 Rec'd PCT/PTC 27 MAR 2002

Express Mail No: EL913299804US
Attorney Docket: Heska USNP

IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE

In Re the National Phase Application of: Heska Corporation

Serial Number: (original) US 09/408,584 New: _____
(PCT) PCT/US00/26870

Filed: (original US) 29 September 1999 New: _____
(PCT) 29 September 2000

For: Intranasal Delivery System

CERTIFICATE OF EXPRESS MAILING

I, Barbara Graves, hereby certify to the truth of the following items:

1. I am an employee of Santangelo Law Offices, P.C., 125 South Howes, 3rd Floor, Fort Collins, Colorado 80521.
2. I have this day deposited the attached Declaration for Patent Application of Steven J. Penner and Randal W. Sebring with the United States Postal Service as "Express Mail" for mailing to the Assistant Commissioner of Patents, BOX PCT, Washington, D.C. 20231.

Dated this 27 day of March, 2002.

Barbara Graves

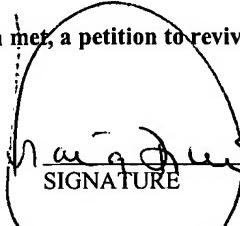
10/089224
JC13 Rec'd PCT/PTC 27 MAR 2002

- a. A check in the amount of \$1612.00 to cover the above fees is enclosed.
- b. Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees.
- c. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any over payment to Deposit Account No. _____. A Duplicate copy of this sheet is enclosed.

Note: Where the appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b) must be filed and granted to restore the application to pending process.

SEND ALL CORRESPONDENCE TO:

Santangelo Law Offices, P.C.
125 South Howes, Third Floor
Fort Collins, CO 80521



SIGNATURE
CRAIG R. MILES
NAME

45,954
REGISTRATION NUMBER

NO DOCUMENT FEE REQUESTED

10/08924
JUL3 Rec'd PCT/PTC 27 MAR 2002

Express Mail No: EL913299804US
Attorney Docket: Heska USNP

IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE

In Re the National Phase Application of: Heska Corporation

Serial Number: (original) US 09/408,584 New: _____
(PCT) PCT/US00/26870

Filed: (original US) 29 September 1999 New: _____
(PCT) 29 September 2000

For: Intranasal Delivery System

CERTIFICATE OF EXPRESS MAILING

I, Barbara Graves, hereby certify to the truth of the following items:

1. I am an employee of Santangelo Law Offices, P.C., 125 South Howes, 3rd Floor, Fort Collins, Colorado 80521.
2. I have this day deposited the attached Power of Attorney with the United States Postal Service as "Express Mail" for mailing to the Assistant Commissioner of Patents, BOX PCT, Washington, D.C. 20231.

Dated this 27 day of March, 2002.

Barbara Graves